

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  EAST-CENTRAL IOWA RURAL ELECTRIC COOPERATIVE AND INDEPENDENCE MUNICIPAL POWER AND LIGHT	DOCKET NO. SPU-04-4
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**ORDER GRANTING PETITION FOR CLARIFICATION AND  
MODIFICATION OF SERVICE AREA BOUNDARIES**

(Issued June 9, 2004)

On February 20, 2004, East-Central Iowa Rural Electric Cooperative (East-Central) and Independence Municipal Power and Light (Independence) filed a joint petition for clarification and modification of electric service area boundaries pursuant to Iowa Code § 476.25(2) (2003). A service area agreement between East-Central and Independence was attached to the petition. East-Central and Independence filed a supplement to their joint petition on May 28, 2004. No objections to the petition were filed.

East-Central and Independence have agreed to a clarification and exchange of service territory and request that the Board clarify and modify the service territory boundaries between the two utilities in Buchanan County, Iowa. The following service territory will be served by Independence:

Commencing at the southeast corner of the Southwest Quarter of Section 35, Township 89 North, Range 9 West of the 5<sup>th</sup> P.M., Independence, Buchanan County, Iowa (the point of beginning); thence easterly 25.3 rods (417.4 feet) to the centerline of 17<sup>th</sup> Ave. N.E.; thence northerly along said centerline 963.88 feet, to the centerline of 3<sup>rd</sup> Street N.E.;

thence easterly along said 3<sup>rd</sup> Street N.E. centerline, 340 feet; thence northerly 330 feet; thence westerly 340 feet; thence northerly 300 feet; thence westerly 417.4 feet to the east line of the Southwest Quarter of said Section 35; thence south along said east line to the point of beginning.

Commencing at a point where the north line of the Canadian National Railroad (right-of-way) intersects the west line of the Northeast Quarter of Section 35, Township 89 North, Range 9 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa (the point of beginning); thence easterly 215.6 feet; thence northerly along the east line of the west 215.6 feet of the Northeast Quarter of said Section 35 to the north line of the Northeast Quarter of Section 35; thence westerly along said north line, 215.6 feet to the northwest corner of said Northeast Quarter of Section 35; thence south to the point of beginning.

Beginning at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 26, Township 89 North, Range 9 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa (the point of beginning); thence northerly 225.7 feet; thence westerly 1,345.8 feet, to the west line of the Southeast Quarter of the Southwest Quarter of said Section 26; thence southerly 225.7 feet to the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 26; thence east 1,345.8 feet to the point of beginning.

The following service territory will be served by East-Central:

Beginning at the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 33, Township 89 North, Range 9 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa (the point of beginning); thence south 330 feet along the east line of said Southeast Quarter of the Southwest Quarter; thence westerly to a point 330 feet east of the west line of the Southwest Quarter of said Section 33; thence southerly to the south line of the Southwest Quarter of Section 33; thence west 330 feet to the west line of said Southwest Quarter of Section 33; thence northerly along said west line of said Southwest Quarter of Section 33 to the point said west line intersects with the north line of the Southeast Quarter of the Southwest Quarter of said Section 33; thence east along said north line to the point of beginning.

Beginning at the northeast corner of the Northwest Frac. Quarter of Section 5, Township 88 North, Range 9 West of the 5<sup>th</sup> P.M., Buchanan County, Iowa; thence south along the east line of said Northwest Frac. Quarter, 1,094.27 feet to the point of beginning; thence westerly 478.4 feet; thence south 1,427.9 feet, to the south line of the Northeast Quarter of the Southwest Quarter of said Section 5; thence easterly 478.4 feet to the southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 5; thence North along the east line of the Southwest Quarter and the Northwest Frac. Quarter of said Section 5, 1,427.9 feet to the point of beginning.

In support of the petition, East-Central and Independence state that they have reviewed the assigned service territory maps published by the Board and have determined that the maps are ambiguous in places and might not correctly reflect the areas actually being served by East-Central and Independence. East-Central and Independence desire to clarify their respective service territories and exchange territory where necessary so that the record clearly reflects their respective service territories. As a result of the clarification and modification, a few customers currently being served by Independence will receive service from East-Central. The supplement to the petition states that each of the affected customers has been notified of the proposed change and that East-Central and Independence are not aware of any objections. No customers currently served by East-Central are impacted.

Iowa Code § 476.25 (2003) provides in pertinent part:

Contracts between electric utilities to designate service areas and customers to be served by the electric utility or for the exchange of customers between electric utilities, when approved by the board, shall be valid and enforceable and shall be incorporated into the appropriate exclusive service areas established pursuant to subsection 1 of this section. The board shall approve a contract if it finds that the contract

will eliminate or avoid unnecessary duplication of facilities, will provide adequate electric service to all areas and customers affected, will promote the efficient and economical use and development of the electric systems of the contracting electric utilities, and is in the public interest.

The Board will grant the East-Central and Independence joint petition for clarification and modification of service area boundaries. East-Central and Independence have alleged facts that establish the proposed modification is in the public interest, will prevent unnecessary duplication of facilities, provide adequate electric service to all customers affected, and will promote the efficient and economical use of electrical systems, pursuant to Iowa Code § 476.25.

**IT IS THEREFORE ORDERED:**

The joint petition for clarification and modification of electric service area boundaries filed by East-Central Iowa Rural Electric Cooperative and Independence Municipal Power and Light on February 20, 2004, and supplemented on May 28, 2004, is granted, subject to complaint or investigation.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 9<sup>th</sup> day of June, 2004.